

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Colleen S. Francis**

**Docket No. 5:10-MJ-1385-1**

**Petition for Action on Probation**

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Colleen S. Francis, who, upon an earlier plea of guilty to 18 U.S.C. §13, assimilating N.C.G.S. 20-138.1, Driving While Impaired Level 5, was sentenced by the Honorable James E. Gates, U.S. Magistrate Judge, on January 11, 2012, to a 12- month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
2. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
3. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
4. The defendant shall surrender her North Carolina driver's license to the Clerk of this Court for mailing to the North Carolina Division of Motor Vehicles and not operate a motor vehicle on the highways of the State of North Carolina except in accordance with the terms and conditions of a limited driving privilege issued by the appropriate North Carolina Judicial Official.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On January 17, 2012, the defendant tested positive for the use of cocaine and marijuana. We are recommending that her supervision be continued and modified to include a drug aftercare condition. She is otherwise compliant. She has already obtained her substance abuse assessment and was recommended for forty hours of treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.  
Van R. Freeman, Jr.  
Senior U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: January 24, 2012

#### **ORDER OF COURT**

Considered and ordered this 25th day of January, 2012, and ordered filed and made a part of the records in the above case.



James E. Gates  
United States Magistrate Judge